



Legislative Department
Seattle City Council
Memorandum

Date: July 20, 2009

To: Councilmember (CM) Sally Clark, Chair
CM Tim Burgess, Vice Chair
CM Tom Rasmussen, Member
Planning Land Use and Neighborhoods Committee (PLUNC)

From: Rebecca Herzfeld, Council Central Staff

Subject: Policy Docket Resolution for 2009-2010 Comprehensive Plan Amendments

Introduction

With a few limited exceptions, the Council may amend the Comprehensive Plan only once a year. Council's review process will culminate next spring with a vote on a council bill amending the Comprehensive Plan. The Comprehensive Plan amendment process is set out in Resolution 31117.

Generally, the process occurs in two steps. First, in the summer the Council reviews applications for amendments and establishes by resolution a docket of the amendments the Council will consider. This is often referred to as the "threshold decision" or "policy docket" resolution. Second, the Department of Planning and Development (DPD) provides recommendations for each item on the policy docket by November 20th. The Council considers the merits of proposed amendments and acts on a bill amending the Comprehensive Plan by March 31st of the following year.

This year, Councilmembers, community members and staff proposed 21 Comprehensive Plan amendments, two of which the proponents have since withdrawn. Central staff provided you with an overview of the remaining 19 amendments at the PLUNC meeting on June 24th. Since then, CM Clark has proposed an additional amendment, for a total of 20. All of the amendment applications can be found in your Comprehensive Plan notebooks behind the numbered tabs. The notebooks also contain the Planning Commission and DPD recommendations (Tabs C and D), Central Staff memos (Tab A), and the proposed resolution (Tab F).

PLUNC held a public hearing on the proposed amendments on July 15, 2009, and the policy docket resolution is before you today for discussion and possible vote.

This memorandum:

1. Sets out the criteria (from Resolution 31117) that the Council uses to determine whether a proposed amendment should be included in the policy docket resolution;
2. Describes the **four** amendments that are not proposed to be placed on the policy docket, based on unanimous recommendations from DPD, the Planning Commission, and Central Staff;
3. Discusses the **two** amendments that do not have a unanimous recommendation; and
4. Describes the additional amendment that CM Clark proposed after the last Council briefing on June 24.

A chart that summarizes the recommendations for all the amendments is attached to this memo.

1. Threshold Decision Criteria

The Council applies a variety of criteria in deciding whether to include a proposed amendment in the policy docket resolution. A decision to include a proposed amendment in the resolution does not constitute Council approval of a proposed amendment. A decision to include a proposed amendment means that the Council has determined that the subject matter is appropriate for the Comprehensive Plan, and that consideration of the proposed amendment can be practically accomplished during the current amendment cycle. Criteria applied by the Council include the following.

1. The amendment is appropriate for the Comprehensive Plan:
 - a. The amendment is consistent with the role of the Comprehensive Plan under the State Growth Management Act;
 - b. The amendment is consistent with the Countywide Planning Policies;
 - c. The intent of the amendment cannot be accomplished by a change in regulations only;
 - d. The amendment is not better addressed as a budgetary or programmatic decision; or
 - e. The amendment is not better addressed through another process, such as neighborhood planning.
2. The amendment is legal - the amendment meets existing state and local laws.
3. It is practical to consider the amendment:
 - a. The timing of the amendment is appropriate and Council will have sufficient information necessary to make an informed decision.
 - b. Within the time available City staff will be able to develop the text for the amendments to the Comprehensive Plan and, if necessary, the Municipal Code, and conduct sufficient analysis and public review.
 - c. The proposed amendment is consistent with the overall vision of the Comprehensive Plan and well-established Comprehensive Plan policy, or the Mayor or Council is interested in significantly changing existing policy.
 - d. The amendment has not been recently rejected by the City Council.
4. There has been a neighborhood review process to develop any proposed change to a neighborhood plan, or a neighborhood review process can be conducted prior to final Council consideration of the amendment.

2. Proposed Amendments not Recommended for Inclusion in the Policy Docket

There are **four** amendments that are not proposed to be placed on the policy docket, based on unanimous recommendations from DPD, the Planning Commission, and Central Staff. These amendments, and the reasons for omitting them from the policy docket, are summarized below.

Amendment #1 would establish a new policy to reduce light pollution and would require that a citizen's working group be established to make recommendations on how best to do this. The proposed policy would reduce light pollution through "public information programs, by reducing excessive nighttime lighting at city facilities and by city departments, and by adopting design guidelines and voluntary programs". These steps could be accomplished through either regulatory, programmatic or budgetary actions, rather than a Comprehensive Plan amendment, and therefore do not meet Criteria 1c and 1d. In addition, DPD points out that if citizen working group is established, it would not be productive to adopt a new policy before receiving advice from the group.

Amendment #11 proposes to adopt a policy to incorporate the "precautionary principle" when assessing current and potential alternatives to City action. The Planning Commission recommendation states that the Council amended the Comprehensive Plan Environment Element in 2004 to explicitly reference the precautionary principle, and both DPD and the Commission cite current Comprehensive Plan policies,

state and federal case law, and other environmental regulations that adequately address the intent of the proposal.

Amendment #13 would add a new element to the Comprehensive Plan that addresses open and participatory government. By enlarging the scope of the Plan beyond growth management, this amendment would be inconsistent with the purpose of the Comprehensive Plan (Criterion 1a). In addition, this topic is best addressed through regulatory, programmatic or budgetary actions (Criteria 1c and 1d). This year, the Council convened a special Open Government Committee to address such actions. The Committee considered a Comprehensive Plan amendment, but determined that it would be more effective to change city policies and regulations to improve citizens' access to public documents, make the decision-making process more transparent, and improve communication between the Council and the public.

Amendment #15 proposes a policy to reduce damage to Seattle's roads caused by heavy vehicles such as transit buses and solid waste trucks. A similar amendment from the proponent was rejected by the Mayor and Council last year, and therefore this amendment does not meet Criterion 3d. In addition, existing transportation policies T8, T62, and T70 already provide guidance on this issue.

3. Proposed Amendments that do not have Unanimous Recommendations

There are two proposed amendments, #14 and #18, that have differing recommendations from DPD staff, the Planning Commission, or Central staff. These amendments are discussed below.

Amendment #14 would add a goal that requires reductions in vehicle miles traveled (VMT) in and through the city, and a policy that favors highway projects that produce little or no increase in VMT. While supportive of reducing greenhouse gas emissions, the Planning Commission and DPD both recommended that this proposal not be placed on the docket. I am recommending that it be included.

The first reason that DPD and the Planning Commission cite for not including this amendment is that a substantially similar amendment, new Transportation Policy 17, was adopted last year. It states:

Provide, support, and promote programs and strategies aimed at reducing the number of car trips and miles driven (for work and non-work purposes) to increase the efficiency of the transportation system.

However, proposed Amendment #14 would set more specific numerical goals for VMT, calling for an 18 percent VMT reduction by 2020, and reaching a 50 percent reduction by 2050. This level of specificity differentiates the proposed amendment from the policy adopted last year.

The Planning Commission and DPD also point out that in 2008 the State of Washington adopted statewide VMT reduction goals that jurisdictions across the state must follow. The Washington State Department of Transportation (WSDOT) has not yet set a timeline for providing guidance to local jurisdictions on how to apply these goals. The Seattle Department of Transportation (SDOT) is now in the early stages of analyzing how the goals would apply to Seattle, and how to monitor and achieve compliance. Therefore, DPD argues that due to timing, consideration of the proposed amendment is not practical, according to Criteria 3a and 3b.

Setting VMT goals is very complex, and it may be that as SDOT continues its analysis and works with the State on VMT goals that a policy will not be ready for Council review by the November 20th deadline. However, WSDOT may move quickly to implement the new State rules, and keeping Amendment #14 on the policy docket would allow the City to respond without a year's delay. If the

new policy is not ready by November, the proposed policy could be considered as part of the 2011 Comprehensive Plan update.

If the Committee takes no action, Amendment #14 will be included on the policy docket. If the Committee does not wish to place the item on the 2009 docket, a vote to amend the resolution is needed.

Committee Decision on Proposed Amendment #14:

Amendment #18 would amend the Future Land Use Map (FLUM) to redesignate a one block area, bounded by 15th Ave NW, NW 50th St, 17th Ave NW, and NW 49th St., from Industrial to Commercial/Mixed Use. DPD staff and the Planning Commission both recommend that this proposal be added to the policy docket. I am recommending that it not be included, because accepting this proposal for review would not be consistent with well-established Comprehensive Plan policy (Criterion 3c).

The FLUM is intended to show how broad categories of land use are intended to be distributed throughout the city. Land Use Policy 2 states that:

“Generally, Future Land Use Map amendments will be required only when significant changes to the intended function of a large area are proposed. Changes in the Land Use Code zone designation of land that does not significantly change the intended function of a large area generally will not require an amendment to the Future Land Use Map.”
[emphasis added]

The Council has cited this policy in the past when deciding not to consider FLUM amendments that affected only a small area. Instead, the applicants were directed to apply for a rezone. Requiring that every small change get a FLUM amendment sets a precedent in which every rezone could require a two-step process: first a Comprehensive Plan change and, a year or more later, Council review of a rezone. The City would essentially end up with two zoning maps, and the current process for considering land use changes would become even longer.

The area proposed for redesignation by Amendment #18 is small—one block—and a FLUM amendment should not be necessary for a rezone to be considered.

The intended function of the FLUM was not addressed in either the DPD or Planning Commission recommendations on this proposal. DPD supports including this amendment because it raises policy questions about the conversion of industrial land to other uses, particularly residential uses. The Planning Commission also cites the work that DPD is doing as directed by the Council in Resolution 31026 to develop a rational framework for the treatment of industrial land. The results of DPD’s analysis for this area are scheduled to be submitted to Council later this year, so the Council will have an opportunity to address the industrial land use in a broader context than the proposed conversion of a single block.

If the Committee takes no action, Amendment #18 will not be included on the policy docket. If the Committee wishes to place the item on the 2009 docket, a vote to amend the resolution is needed.

Committee Decision on Proposed Amendment #18:

4. Additional Amendment Proposed by CM Clark

Since the PLUNC briefing on June 27th, CM Clark has proposed Amendment #22. It would amend the Greenwood-Phinney Ridge Neighborhood Planning Element and the FLUM in the Greenwood-Phinney Ridge Residential Urban Village area in anticipation of zoning proposals recommended by the Greater Greenwood Design and Development Advisory Group for an area northwest of the intersection at N 85th St and Greenwood Ave N. CM Clark is submitting this proposal to give the neighborhood an opportunity to develop a FLUM amendment proposal for further consideration by the Council. The Planning Commission did not have time to review this amendment, and DPD supports it. No action is required on Amendment #22, which is included in the policy docket resolution.

5. Vote on Policy Docket Resolution

I recommend that the Committee approve the 2009-2010 policy docket resolution.

Committee Vote:

Attachment A: Summary of Recommendations for the 2009-2010 Comprehensive Plan Policy Docket

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Amendment #	Summary of Proposed Amendments	Proponent	DPD Recommendation	Planning Commission Recommendation	Central Staff Recommendation
1	Light Pollution Add policy direction about reducing light pollution and establishing a working group to recommend strategies for doing so.	Jorgen Bader & Jeannie Hale	Do not place on Docket	Do not place on Docket	Do not place on Docket
2	Amend the Rainier Beach Neighborhood Plan Adjust the boundary of the Rainier Beach Residential Urban Village to include the area south of S Henderson St between Martin Luther King Jr. Way S and the Chief Sealth Trail.	Matt Wasse	Place on Docket	Place on Docket	Place on Docket
3	North Beacon Hill Neighborhood Plan Update Placeholder Establish a placeholder for consideration of Comprehensive Plan amendments proposed through the North Beacon Hill neighborhood plan update process, to the extent they become ready for action in 2010.	Department of Planning and Development (DPD)	Place on Docket	Place on Docket	Place on Docket
4	North Rainier Neighborhood Plan Update Placeholder Establish a placeholder for consideration of Comprehensive Plan amendments proposed through the North Rainier neighborhood plan update process, to the extent they become ready for action in 2010.	DPD	Place on Docket	Place on Docket	Place on Docket
5	MLK at Holly (Othello) Neighborhood Plan Update Placeholder Establish a placeholder for consideration of Comprehensive Plan amendments proposed through the MLK at Holly (Othello) neighborhood plan update process, to the extent they become ready for action in 2010.	DPD	Place on Docket	Place on Docket	Place on Docket

Attachment A: Summary of Recommendations for the 2009-2010 Comprehensive Plan Policy Docket

Amendment #	Summary of Proposed Amendments	Proponent	DPD Recommendation	Planning Commission Recommendation	Central Staff Recommendation
6	Roosevelt Neighborhood Association Future Land Use Map (FLUM) Amendment Amend the FLUM in the Roosevelt Residential Urban Village in anticipation of a zoning proposal developed by the Department of Planning and Development consistent with the Roosevelt Neighborhood Plan.	DPD	Place on Docket	Place on Docket	Place on Docket
7	Roosevelt Development Group FLUM Amendment <i>This application has been withdrawn at the request of the applicant</i>				
8	Shoreline Master Program Amend goals and policies to increase emphasis on ecological protection and restoration, address the requirement to complete a shoreline restoration plan, prohibit new overwater structures that are not water dependent, and include more details on when non-water-oriented uses would be allowed on waterfront lots.	DPD	Place on Docket	Place on Docket	Place on Docket
9	South Downtown FLUM Amendment Amend the FLUM to redesignate areas east of Interstate 5 between S Main St and S Dearborn St; and west of I-5 between S Dearborn and the urban center's southern boundary from Commercial/Mixed Use to Downtown Mixed Residential and Downtown Mixed Commercial.	DPD	Place on Docket	Place on Docket	Place on Docket
10	Amend Northgate Neighborhood Planning Element Amend the Northgate Neighborhood Planning Element to guide design through neighborhood-specific design guidelines. Establish policies that support increases in height and density and future rezones from multifamily to mixed-use along NE Northgate Way, provided that	DPD	Place on Docket	Place on Docket	Place on Docket

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Amendment #	Summary of Proposed Amendments	Proponent	DPD Recommendation	Planning Commission Recommendation	Central Staff Recommendation
	impacts are mitigated by developers.				
11	Precautionary Principle for Environmental Awareness Adopt a policy to incorporate the precautionary principle as one of the tools to assess current and potential alternatives to city action.	Steven Gilbert	Do not place on Docket	Do not place on Docket	Do not place on Docket
12	Interbay BINMIC Amendment Amend the FLUM to remove land located north of Dravus in the Interbay area from the Ballard Interbay Manufacturing / Industrial Center (BINMIC).	Interbay Neighborhood Association, represented by Bruce Wynn	Place on Docket	Place on Docket	Place on Docket
13	Open and Participatory Government Create a new element of the Comprehensive Plan entitled "Open and Participatory Government".	Chris Leman	Do not place on Docket	Do not place on Docket	Do not place on Docket
14	Reduction in Vehicle Miles Traveled Add a goal setting specific targets for reducing annual vehicle miles traveled in and through the city.	Chris Leman	Do not place on Docket	Do not place on Docket	Place on Docket
15	Discouraging Extra-Heavy Transit Buses and Solid Waste Trucks Add a policy discouraging extra-heavy vehicles, such as buses and solid waste trucks, in order to reduce damage to Seattle's roads and bridges.	Chris Leman	Do not place on Docket	Do not place on Docket	Do not place on Docket
16	Harbor Avenue Corridor Property <i>This application has been withdrawn at the request of the applicant.</i>				

Attachment A: Summary of Recommendations for the 2009-2010 Comprehensive Plan Policy Docket

Amendment #	Summary of Proposed Amendments	Proponent	DPD Recommendation	Planning Commission Recommendation	Central Staff Recommendation
17	Amend Use of Building 9 at Sand Point Amend Sand Point policies to allow housing and limited ancillary commercial use in Building 9 at the former Sand Point Naval Station.	Council-member (CM) Richard J. McIver	Place on Docket	Place on Docket	Place on Docket
18	Redesignation of a One Block Area, Bounded by 15th Ave NW, NW 50th St, 17th Ave NW, and NW 49th St Amend the FLUM to redesignate a one block area, bounded by 15th Ave NW to the east, NW 50th St to the north, 17th Ave NW to the west and NW 49th St to the south, from Industrial to Commercial/Mixed Use.	Urban Commercial Properties, L.L.C., represented by Ronald Sudderth	Place on Docket	Place on Docket	Do Not Place on Docket
19	Yesler Terrace FLUM Amendment Amend the FLUM to redesignate the Yesler Terrace site on the south edge of the First Hill Urban Center Neighborhood from Multifamily Residential to Commercial/Mixed Use.	Judith Kilgore, Seattle Housing Authority	Place on Docket	Place on Docket	Place on Docket
20	Affordable Housing Action Agenda Promote housing affordability in coordination with the Seattle Transit Plan, create a new policy to consider access to transit and transportation costs when developing affordable housing, and promote attached and detached accessory dwelling units.	Seattle Planning Commission	Place on Docket	Place on Docket	Place on Docket
21	Cultural Overlay District Advisory Committee (CODAC) Recommendations Add new goals to encourage cultural districts, and to allow regulations and incentives to be adopted for them.	Fidelma McGinn and Randy Engstrom, Co-Chairs, CODAC (Sponsored for docket consideration by	Place on 2009 Docket	Place on 2009 Docket	Place on 2009 Docket

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Amend- ment #	Summary of Proposed Amendments	Proponent	DPD Recom- mendation	Planning Commission Recom- mendation	Central Staff Recom- mendation
22	Amend the Greenwood-Phinney Ridge Neighborhood Planning Element and the FLUM in the Greenwood-Phinney Ridge Residential Urban Village area in anticipation of zoning proposals recommended by the Greater Greenwood Design and Development Advisory Group for an area northwest of the intersection at N 85th Street and Greenwood Ave N.	CM Nick Licata CM Clark	Place on Docket	Proposed too late for Commission review	Place on Docket

